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**U.S. District Court  
District of Colorado (Denver)  
CIVIL DOCKET FOR CASE #: 1:10-cv-02596-MSK-CBS**

Jackson v. United States Department of Veterans' Affairs  
Assigned to: Judge Marcia S. Krieger  
Referred to: Magistrate Judge Craig B. Shaffer  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/25/2010  
Date Terminated: 09/02/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**David Jackson**

represented by **David Jackson**  
PO Box 471411  
Aurora, CO 80047  
PRO SE

V.

**Defendant**

**United States Department of Veterans Affairs**

represented by **Jamie L. Mendelson**  
U.S. Attorney's Office-Denver  
1225 17th Street East  
Seventeenth Street Plaza  
#700  
Denver, CO 80202  
303-454-0190  
Fax: 303-454-0408  
Email: [jamie.mendelson@usdoj.gov](mailto:jamie.mendelson@usdoj.gov)  
*TERMINATED: 09/09/2011*

**Mark S. Pestal**  
U.S. Attorney's Office-Denver  
1225 17th Street East  
#700  
Denver, CO 80202  
303-454-0101  
Fax: 303-454-0404  
Email: [mark.pestal@usdoj.gov](mailto:mark.pestal@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Eric Ken Shinseki**  
*United States, Secretary, Department of Veterans Affairs*  
*TERMINATED: 08/09/2011*

represented by **Jamie L. Mendelson**  
(See above for address)  
*TERMINATED: 09/09/2011*

**Mark S. Pestal**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Lynette A. Roff**  
*Director, VA Eastern Colorado HCS*  
*TERMINATED: 08/09/2011*

represented by **Jamie L. Mendelson**  
(See above for address)  
*TERMINATED: 09/09/2011*

**Mark S. Pestal**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**USA**

*actually named United States of America*  
*TERMINATED: 08/09/2011*

represented by **Jamie L. Mendelson**  
 (See above for address)  
*TERMINATED: 09/09/2011*

**Mark S. Pestal**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant****Eric Ken Shinseik**

*United States Secretary of Veterans*  
*Affairs*  
*TERMINATED: 01/26/2011*

represented by **Jamie L. Mendelson**  
 (See above for address)  
*TERMINATED: 09/09/2011*

**Mark S. Pestal**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

| Date Filed | #         | Docket Text  |
|------------|-----------|--|
| 10/15/2010 | <u>1</u>  | MOTION and Affidavit for Leave to Proceed Under 28 U.S.C. 1915, by Plaintiff David Jackson. (lyg, ) (Entered: 10/25/2010)  |
| 10/19/2010 | <u>2</u>  | MOTION and Affidavit for Leave to Proceed Under 28 U.S.C. 1915, by Plaintiff David Jackson. (lyg, ) (Entered: 10/25/2010)  |
| 10/25/2010 | <u>3</u>  | ORDER Directing Clerk to Commence Civil Action and granting <u>1</u> and <u>2</u> Motions for Leave to Proceed in Forma Pauperis, by Magistrate Judge Boyd N. Boland on 10/22/10.(lyg, ) (Entered: 10/25/2010)   |
| 10/25/2010 | <u>4</u>  | COMPLAINT against Lynette A. Roff and Eric Ken Shinseik, filed by David Jackson.(lyg, ) (Entered: 10/25/2010)  |
| 11/02/2010 | <u>5</u>  | ORDER DRAWING CASE. This case shall be drawn to a district judge and to a magistrate judge. By Magistrate Judge Boyd N. Boland on 11/02/2010. (sah, ) (Entered: 11/02/2010)  |
| 11/03/2010 | <u>6</u>  | Letter from Deputy Clerk to David Jackson Re: Case Assignment to Judge Marcia S. Krieger. (wjc, ) (Entered: 11/03/2010)  |
| 11/04/2010 | <u>7</u>  | ORDER OF REFERENCE TO MAGISTRATE JUDGE: REFERRING CASE to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 11/4/10. (msksec, ) (Entered: 11/04/2010)  |
| 11/05/2010 | <u>8</u>  | ORDER GRANTING SERVICE BY UNITED STATES MARSHAL by Judge Marcia S. Krieger on 11/04/2010. (wjc, ) (Additional attachment(s) added on 11/8/2010: # <u>1</u> Certified Mail Receipts) (gmssl, ). Modified on 11/8/2010 to add the attachment (gmssl, ). (Entered: 11/05/2010)  |
| 11/08/2010 | <u>9</u>  | Docket Annotation re: <u>8</u> Order. This docket entry was modified to add the attachment. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (gmssl, ) (Entered: 11/08/2010)   |
| 11/10/2010 | <u>10</u> | SUMMONS Returned Executed upon defendant(s) Lynette A. Roff served on 11/9/2010, answer due 1/10/2011. (wjc, ) (Entered: 11/10/2010)   |
| 11/12/2010 | <u>11</u> | ORDER REGARDING CUSTODY OF EXHIBITS AND DEPOSITIONS USED IN EVIDENTIARY HEARINGS AND TRIALS: Any exhibits and depositions used during evidentiary hearings or trials, counsel for the parties shall retrieve the originals of such exhibits and depositions from the Court following the evidentiary hearing or trial, and shall retain same for 60 days beyond the later of the time to appeal or conclusion of any appellate proceedings. The Court will retain its copy of the exhibits for the same time period after which the documents will be destroyed. by Judge Marcia S. Krieger on 11/12/10. (mskcd) (Entered: 11/12/2010) |
| 11/15/2010 | <u>12</u> | Acknowledgment (AFFIDAVIT/RETURN) of Service by U.S. Attorney on 11/08/2010. (wjc, ) (Entered: 11/15/2010)   |

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| 11/16/2010 | <u>13</u> | NOTICE of Entry of Appearance by Jamie L. Mendelson on behalf of Lynette A. Roff, Eric Ken Shinseik (Mendelson, Jamie) (Entered: 11/16/2010)   |
| 11/23/2010 | <u>14</u> | MOTION for Disclosure Pursuant to Federal Rules of Civil Procedure 26(a), by Plaintiff David Jackson. (wjc, ) (Entered: 11/24/2010)  |
| 11/24/2010 | 15        | MEMORANDUM regarding <u>14</u> MOTION to Compel filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 11/24/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 11/24/2010)   |
| 11/26/2010 | <u>16</u> | SUMMONS Returned Executed upon defendant(s) Eric Ken Shinseik served on 11/17/2010, answer due 1/18/2011. U.S. Attorney General served on 11/17/2010. (Attachments: # <u>1</u> Green Receipt Card for Shinsiek)(wjc, ) (Entered: 11/26/2010)   |
| 12/03/2010 | <u>17</u> | MOTION to Have the United States Marshal Office Serve Summons and Complaint on Named Defendant Eric Ken Shinseki, Secretary, United States Department of Veterans Affairs Pursuant to Title 28 U.S.C. 1915 and Fed. R. Civ. P. 1, 4(c)(1)(m) and Within the Time Required by Law, by Plaintiff David Jackson. (wjc, ) (Entered: 12/03/2010)  |
| 12/03/2010 | <u>18</u> | ERRATA SHEET by Plaintiff David Jackson. (wjc, ) (Entered: 12/03/2010)   |
| 12/06/2010 | 19        | MEMORANDUM regarding <u>17</u> MOTION for Order to filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 12/6/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 12/06/2010)   |
| 12/06/2010 | 20        | ORDER finding as moot <u>17</u> Plaintiff's "Motion to Have the United States Marshal Office Serve Summons and Complaint on Named Defendant Eric Ken Shinseki, Secretary, United States, Department of Veterans Affairs Pursuant to Title 28 U.S.C. § 1915 and Fed. R. Civ. P. 1, 4(c)(1)(m) and within the Time Required by Law." In light of the November 5, 2010 "Order Granting Service by United States Marshal" (doc. # 8) and the subsequent returns of service, Plaintiff's Motion is unnecessary. Despite the misspelling of Defendant's name by Plaintiff, the court and the parties understand that ERIC K. SHINSEKI, Secretary, United States Department of Veterans Affairs is the intended named Defendant. By Magistrate Judge Craig B. Shaffer on 12/06/2010.TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cbslc1) (Entered: 12/06/2010) |
| 12/08/2010 | <u>21</u> | MOTION to Compel Joinder of Additional Party General Form Pursuant to Fed.R.Civ.P.19(a), 21, by Plaintiff David Jackson. (wjc, ) (Entered: 12/08/2010)   |
| 12/08/2010 | <u>22</u> | MOTION for Permission to Amend <u>4</u> Complaint to Drop Party Defendant Pursuant to Fed.R.Civ.P.15(a), 20(b), 21, 41(a), 42(b), by Plaintiff David Jackson. (wjc, ) (Entered: 12/08/2010)  |
| 12/08/2010 | <u>25</u> | STRICKEN – MOTION to Compel Joinder of Additional Party General Form Pursuant to Fed.R.Civ.P. 19(a), 21, by Plaintiff David Jackson. (wjc, ) Modified on 12/10/2010 to add text Stricken pursuant to Order dated 12/09/2010 (wjc, ). (Entered: 12/09/2010)   |
| 12/08/2010 | <u>26</u> | STRICKEN – MOTION for Permission to Amend <u>4</u> Complaint to Drop Party Defendant Pursuant to Fed.R.Civ.P.15(a), 20(b), 21, 41(a), 42(b), by Plaintiff David Jackson. (wjc, ) Modified on 12/10/2010 to add text Stricken pursuant to Order dated 12/09/2010 (wjc, ). (Entered: 12/09/2010)   |
| 12/09/2010 | 23        | MEMORANDUM regarding <u>21</u> MOTION to Compel filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 12/9/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 12/09/2010)  |
| 12/09/2010 | 24        | MEMORANDUM regarding <u>22</u> MOTION to Amend/Correct/Modify <u>4</u> Complaint filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 12/9/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 12/09/2010)   |

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| 12/09/2010 | <u>27</u> | ORDER finding as moot <u>21</u> Plaintiff's "Motion to Compel Joinder of Additional Party...;" finding as moot <u>22</u> Plaintiff's Motion for Permission to Amend Complaint to Drop Party Defendant;" striking <u>25</u> Plaintiff's "Motion to Compel Joinder of Additional Party...;" striking <u>26</u> Plaintiff's Motion for Permission Amend Complaint to Drop Party Defendant." As to Docs. # 21 and # 22, despite the initial misspelling of Defendant's name by Plaintiff, the court and the parties understand that ERIC K. SHINSEKI, Secretary, United States Department of Veterans Affairs is the intended named Defendant. As to Docs. # 25 and # 26, they are duplicates of Docs. # 21 and # 22. By Magistrate Judge Craig B. Shaffer on 12/09/2010.TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cbslc1) (Entered: 12/09/2010) |
| 12/13/2010 | <u>28</u> | Amended MOTION to Compel Joinder of Additional Parties General Form Pursuant to Fed.R.Civ.P. 15(a), 20(b), 21, 41(a), 42(b) and Within the Time Allowed by Law Fed.R.Civ.P 4(m), by Plaintiff David Jackson. (wjc, ) (Entered: 12/13/2010)   |
| 12/13/2010 | <u>29</u> | STRICKEN – Amended MOTION to Compel Joinder of Additional Parties General Form Pursuant to Fed.R.Civ.P. 15(a), 20(b), 21, 41(a), 42(b) and Within the Time Allowed by Law Fed.R.Civ.P 4(m), by Plaintiff David Jackson. (wjc, ) Modified on 12/15/2010 to add text Stricken pursuant to Order dated 12/15/2010 (wjc, ). (Entered: 12/13/2010)  |
| 12/13/2010 | <u>30</u> | MOTION and Notice for Leave to File Amended <u>4</u> Pleading Pursuant to Fed.R.Civ.P. 4(m) and 15(a)(2), by Plaintiff David Jackson. (wjc, ) (Entered: 12/13/2010)  |
| 12/14/2010 | 31        | MEMORANDUM regarding <u>28</u> MOTION to Compel filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 12/14/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 12/14/2010)   |
| 12/14/2010 | 32        | MEMORANDUM regarding <u>29</u> MOTION to Compel filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 12/14/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 12/14/2010)   |
| 12/14/2010 | 33        | MEMORANDUM regarding <u>30</u> MOTION to Amend/Correct/Modify <u>4</u> Complaint filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 12/14/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 12/14/2010)  |
| 12/14/2010 | <u>34</u> | RESPONSE to <u>14</u> MOTION to Compel filed by Defendants Lynette A. Roff, Eric Ken Shinseik. (Attachments: # <u>1</u> Attachment A: Defendants' Letter to Plaintiff dated 11/22/2010, # <u>2</u> Attachment B: Defendants' Letter to Plaintiff dated 11/24/2010)(Mendelson, Jamie) (Entered: 12/14/2010)   |
| 12/15/2010 | 35        | ORDER striking <u>29</u> Motion to Compel as a duplicate of Doc. # 28. By Magistrate Judge Craig B. Shaffer on 12/15/2010.TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cbslc1) (Entered: 12/15/2010)  |
| 12/16/2010 | <u>36</u> | ORDER denying <u>28</u> Amended Motion to Compel; denying <u>30</u> Motion and Notice for Leave to File Amended Pleading by Magistrate Judge Craig B. Shaffer on 12/16/2010.(cbscd) (Entered: 12/16/2010)  |
| 12/17/2010 | <u>37</u> | MOTION to Reconsider Serving Summons on United States of America, Eric Ken Shinseki Secretary United States Department of Veterans Affairs, and Lynette A. Roff Director Pursuant to Title 28 U.S.C. 1915 and Fed. R. Civ. P. 1, 4(c)(1)(2)(3)(i)(l)(1)(i)(ii)(B)(C)(m), Within the Time Required by Law, by Plaintiff David Jackson. (wjc, ) (Entered: 12/17/2010)  |
| 12/17/2010 | <u>38</u> | Plaintiff's REPLY to <u>34</u> Defendants Response to <u>14</u> Disclosure Federal Rules of Civil Procedure 26(a) filed by Plaintiff David Jackson. (wjc, ) (Entered: 12/17/2010)  |
| 12/20/2010 | 39        | MEMORANDUM regarding <u>37</u> MOTION for Reconsideration filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 12/20/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msklc2, ) (Entered: 12/20/2010)   |

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| 12/27/2010 | <u>40</u> | Notice of Appeal to District Court Judge for De Novo Review of Magistrates' 12/16/2010 <u>36</u> Order, by Plaintiff David Jackson. (mnf, ) (Entered: 12/28/2010)  |
| 01/03/2011 | <u>41</u> | MINUTE ORDER setting a Preliminary Scheduling Conference on 2/7/2011 at 10:00 a.m., by Magistrate Judge Craig B. Shaffer on 1/3/11. (cbssec) (Entered: 01/03/2011)   |
| 01/07/2011 | <u>42</u> | MOTION to Dismiss <i>for Failure to State a Claim</i> by Defendants Lynette A. Roff, Eric Ken Shinseik. (Mendelson, Jamie) (Entered: 01/07/2011)   |
| 01/13/2011 | <u>43</u> | RESPONSE to <u>40</u> Objection/Appeal of Magistrate Judge Decision filed by Defendants Lynette A. Roff, Eric Ken Shinseik. (Mendelson, Jamie) (Entered: 01/13/2011)   |
| 01/17/2011 | 44        | ORDER denying <u>37</u> Plaintiff's "Motion to Reconsider Serving Summons on United States of America, Eric Ken Shinseki Secretary United States Department of Veterans Affairs, and Lynette A. Roff Director Pursuant to Title 28 U.S.C. § 1915 and Fed. R. Civ. P. 1, 4(c)(1)(2)(3)(i)(1)(A)(i)(ii)(B)(C)(m), within the Time Required by Law." By Magistrate Judge Craig B. Shaffer on 01/17/2011.TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cbslc1) (Entered: 01/17/2011) |
| 01/26/2011 | <u>45</u> | Plaintiff's Reply to <u>42</u> Defendant's [sic] MOTION to Dismiss filed by Plaintiff David Jackson. (wjc, ) (Entered: 01/26/2011)   |
| 01/26/2011 | <u>46</u> | CERTIFICATE of Service by Plaintiff David Jackson. (wjc, ) (Entered: 01/26/2011)   |
| 01/26/2011 | <u>47</u> | AMENDED COMPLAINT against Lynette A. Roff, Eric Ken Shinseki, USA, United States Department of Veterans Affairs, filed by David Jackson.(wjc, ) (Entered: 01/26/2011)  |
| 01/26/2011 | <u>48</u> | CERTIFICATE of Service by Plaintiff David Jackson. (wjc, ) (Entered: 01/26/2011)   |
| 02/03/2011 | <u>49</u> | NOTICE – Pro Se by Plaintiff David Jackson. (wjc, ) (Entered: 02/04/2011)  |
| 02/07/2011 | <u>50</u> | COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Craig B. Shaffer: A Preliminary Scheduling Conference was held on 2/7/2011. ORDERED: The Motion for Disclosure, doc # <u>14</u> is DENIED. Discovery is STAYED pending a ruling on the Motion to Dismiss, doc # <u>42</u> . Plaintiff may file written objections to these rulings within 14 days. (FTR: Linda Kahoe) (cbscd) (Entered: 02/07/2011)  |
| 02/14/2011 | <u>51</u> | MOTION to Dismiss <i>Amended Complaint</i> by Defendants Lynette A. Roff, Eric Ken Shinseki, USA, United States Department of Veterans Affairs. (Mendelson, Jamie) (Entered: 02/14/2011)   |
| 02/18/2011 | <u>52</u> | Plaintiff's OBJECTION to <u>50</u> Magistrate's 02/07/2011 Order in Accordance with Rule 72(b)(2)(3) Concerning Earlier Discovery and Motion for Free Transcript do to Indigence Pursuant to Title 28 U.S.C. 1915(c)(2), by Plaintiff David Jackson. (wjc, ) (Entered: 02/22/2011)   |
| 03/04/2011 | <u>53</u> | Reply to <u>51</u> Defendant's MOTION to Dismiss Plaintiff's Amended Complaint and Motion for Hearing on Dismissal of Amended Complaint Pursuant to Fed. R. Civ. 56(i), filed by Plaintiff David Jackson. (wjc, ) (Entered: 03/04/2011)  |
| 03/08/2011 | <u>54</u> | RESPONSE to <u>52</u> OBJECTION/Appeal of Magistrate Judge Decision to District Court re <u>50</u> Order on Motion to Compel, Scheduling Conference, Set/Clear Flags, by Plaintiff David Jackson, by Defendants Lynette A. Roff, Eric Ken Shinseki, USA, United States Department of Veterans Affairs. (Mendelson, Jamie) Modified on 3/9/2011 to delete duplicate generated text (wjc, ). (Entered: 03/08/2011)   |
| 03/14/2011 | <u>55</u> | NOTICE of Correction of Certification of Mailing by Plaintiff David Jackson. (wjc, ) (Entered: 03/14/2011)   |
| 03/17/2011 | <u>56</u> | REPLY to Response to <u>51</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Defendants Lynette A. Roff, Eric Ken Shinseki, USA, United States Department of Veterans Affairs. (Mendelson, Jamie) (Entered: 03/17/2011)  |



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| 04/19/2011 | <u>57</u> | Emergency MOTION to Effectuate Service of Summons and Complaint on Defendants as Required by Law by Serving the United States Attorney General Eric H. Holder Jr. and Assistance [sic] United States Attorney Jamie L. Mendelson and United States Officers and Employees in Accordance with Rule 4(i)(m) and a Within the Time Allowed by Law, by Plaintiff David Jackson. (Attachments: # <u>1</u> Continuation of Main Document)(wjc, ) (Entered: 04/20/2011) |
| 04/20/2011 | <u>58</u> | USCA LETTER informing district court that a petition for extraordinary writ of mandamus was filed re: <u>4</u> Complaint, <u>44</u> Order on Motion for Reconsideration, <u>57</u> MOTION for Order to effectuate service of summons and complaint on defendants filed by David Jackson. USCA case no. 11-1167. (bjrsl, ) (Entered: 04/20/2011)  |
| 04/20/2011 | <u>59</u> | MEMORANDUM regarding <u>57</u> MOTION for Order to filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 4/20/11. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 04/20/2011)   |
| 04/20/2011 | <u>60</u> | Transcript Order Form (NOTICE) re <u>58</u> USCA Letter as to Writ for mandamus filed by Plaintiff David Jackson. (bjrsl, ) (Entered: 04/21/2011)  |
| 04/21/2011 | <u>61</u> | MINUTE ORDER Setting Hearing on Motion re: Plaintiff's Emergency <u>57</u> MOTION to Effectuate Service of Summons and Complaint on Defendants. Motion Hearing set for 5/11/2011 at 10:00 AM in Courtroom A 402 before Magistrate Judge Craig B. Shaffer, by Magistrate Judge Craig B. Shaffer on 4/21/11. (lsw, ) (Entered: 04/21/2011)   |
| 04/25/2011 | <u>62</u> | NOTICE – Pro Se by Plaintiff David Jackson. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2)(wjc, ) (Entered: 04/26/2011)   |
| 05/04/2011 | <u>63</u> | USCA ORDER re: <u>58</u> Letter as to petition for writ of mandamus filed in the 10th Circuit Court of Appeals. The petition is denied and the motion for in forma pauperis is also denied. USCA case no. 11-1167. (bjrsl, ) (Entered: 05/04/2011)   |
| 05/09/2011 | <u>64</u> | RESPONSE to <u>57</u> MOTION for Order to <i>Effectuate Service</i> filed by Defendants Lynette A. Roff, Eric Ken Shinseki, USA, United States Department of Veterans Affairs. (Mendelson, Jamie) (Entered: 05/09/2011)  |
| 05/11/2011 | <u>65</u> | Memoranda of Authority by Plaintiff David Jackson. (wjc, ) (Entered: 05/11/2011)   |
| 05/11/2011 | <u>66</u> | COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Craig B. Shaffer: A Motion Hearing was held on 5/11/2011. ORDERED: The Emergency Motion to Effectuate Service, doc # <u>57</u> is DENIED AS MOOT. Discovery will remain STAYED pending a ruling on the Motion to Dismiss, doc # <u>51</u> . By Magistrate Judge Craig B. Shaffer. (FTR: Linda Kahoe) (cbstd) (Entered: 05/11/2011)   |
| 05/23/2011 | <u>67</u> | OBJECTION to Magistrate's <u>66</u> Oral Order Entered May 11, 2011 Pursuant to Fed. R. Civ. P. 72 and 28 U.S.C. 636, by Plaintiff David Jackson. (wjc, ) (Entered: 05/24/2011)  |
| 06/13/2011 | <u>68</u> | RESPONSE to <u>67</u> Objection/Appeal of Magistrate Judge Decision filed by Defendants Lynette A. Roff, Eric Ken Shinseki, USA, United States Department of Veterans Affairs. (Mendelson, Jamie) (Entered: 06/13/2011)  |
| 06/15/2011 | <u>69</u> | Plaintiff's REPLY to Defendant's Response (Doc <u>68</u> ) and Motion and Affiadvit [sic] to Supplemental Pleading in Defense of Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 8(d)(2) and 15, filed by Plaintiff David Jackson. (wjc, ) Modified on 6/16/2011 to correct filed date (wjc, ). (Entered: 06/16/2011)  |
| 06/15/2011 | <u>70</u> | Advisory Copy – Petition for Panel Rehearing in re [David Jackson] on Writ of Mandamus from the United States District Court for the District of Colorado Case Number 10-cv-02596-MSK-CBS -- pursuant to Federal Rule of Appellate Procedure 40(a)(1), by Plaintiff David Jackson (wjc, ) (Entered: 06/16/2011)  |
| 06/16/2011 | <u>71</u> | Docket Annotation re: <u>69</u> Reply to Response to Objection of Magistrate Judge Decision. Modified on 6/16/2011 to correct filed date. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED. (wjc, ) (Entered: 06/16/2011)  |

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| 07/08/2011 | <u>72</u> | NOTICE of Pendent Jurisdiction Claim Filed by Plaintiff with the Merit Systems Protection Board Action Denver Field Office Case Number DE0752-11-0417-1-1, by Plaintiff David Jackson. (wjc, ) (Entered: 07/11/2011)  |
| 08/09/2011 | <u>73</u> | OPINION AND ORDER GRANTING, IN PART, MOTION TO DISMISS. The <u>42</u> Defendants' initial Motion to Dismiss is DENIED AS MOOT. The <u>51</u> Defendants' Motion to Dismiss the Amended Complaint is GRANTED IN PART, insofar as Mr. Jackson's Claim 3, challenging his termination from his job at the VA, is DISMISSED as untimely; his Claims 1 and 2, which seek disclosure of certain information from the VA pursuant to the Privacy Act, are DISMISSED WITHOUT PREJUDICE for failure to state a cognizable claim under Fed. R. Civ. P. 12(b)(6). The dismissal of Claims 1 and 2 is STAYED for 60 days, during which the parties shall participate in a settlement conference before the Magistrate Judge as set forth. The caption of the case is AMENDED to substitute the United States Department of Veterans' Affairs as the sole Defendant in this action. Mr. Jackson's Objections (# <u>40</u> , <u>52</u> , <u>67</u> ) to rulings by the Magistrate Judge are OVERRULED, by Judge Marcia S. Krieger on 08/09/2011.(wjc, ) (Entered: 08/15/2011) |
| 08/17/2011 | <u>74</u> | MINUTE ORDER setting a Settlement Conference on 10/04/2011 at 10:00 a.m., before Magistrate Judge Craig B. Shaffer, by Magistrate Judge Craig B. Shaffer on 8/17/11. (cbssec) Modified on 8/17/2011 to correct text date of Settlement Conference (wjc, ). Modified on 8/18/2011 to correct the time of the hearing stated in the text (gmssl, ). (Entered: 08/17/2011)   |
| 08/17/2011 | 75        | Utility Setting/Resetting Deadlines/Hearings: Settlement Conference set for 10/4/2011 10:00 AM in Courtroom A 402 before Magistrate Judge Craig B. Shaffer pursuant to <u>74</u> Minute Order dated 08/17/2011. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED. (wjc, ) (Entered: 08/17/2011)   |
| 08/17/2011 | 76        | Docket Annotation re: <u>74</u> Minute Order. Modified on 8/17/2011 to correct text date of Settlement Conference. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED. (wjc, ) (Entered: 08/17/2011)  |
| 08/18/2011 | 77        | Docket Annotation re: <u>74</u> Minute Order. This docket entry was modified to correct the time of the hearing stated in the text. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (gmssl, ) (Entered: 08/18/2011)  |
| 08/24/2011 | <u>78</u> | MOTION and Affidavit in the Alternative for New Trial [Additur/Remittitur], Judgment Notwithstanding the Verdict or Amending the Judgment Entered Herein, Pursuant to Fed. R. Civ. P. 59, 52 and 26(b)(1), as Follows, by Plaintiff David Jackson. (wjc, ) (Entered: 08/25/2011)  |
| 08/25/2011 | 79        | ORDER denying <u>78</u> Motion for New Trial, without prejudice, for failure to comply with D.C.Colo.LCivR 7.1.A. by Judge Marcia S. Krieger on 8/25/11. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(msksec, ) (Entered: 08/25/2011)   |
| 08/30/2011 | <u>80</u> | NOTICE – Pro Se by Plaintiff David Jackson. (wjc, ) (Entered: 08/31/2011)   |
| 09/01/2011 | <u>81</u> | Amended MOTION and Affidavit in the Alternative for New Trial, [Additur/Remittitur], Judgment Notwithstanding the Verdict or Amending the Judgment Entered Herein, Pursuant to Fed. R. Civ. P. 59, 52 and 26(b)(1), and D.C.Colo.LCivR 7.1 as Follows, by Plaintiff David Jackson. (wjc, ) (Entered: 09/02/2011)  |
| 09/08/2011 | <u>82</u> | NOTICE of Entry of Appearance by Mark S. Pestal on behalf of Lynette A. Roff, Eric Ken Shinseik, Eric Ken Shinseki, USA, United States Department of Veterans Affairs (Pestal, Mark) (Entered: 09/08/2011)  |
| 09/08/2011 | <u>83</u> | MOTION to Withdraw as Attorney by Defendants Lynette A. Roff, Eric Ken Shinseik, Eric Ken Shinseki, USA, United States Department of Veterans Affairs. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Mendelson, Jamie) (Entered: 09/08/2011)  |
| 09/09/2011 | 84        | MEMORANDUM regarding <u>83</u> MOTION to Withdraw as Attorney filed by Eric Ken Shinseki, Eric Ken Shinseik, United States Department of Veterans Affairs, Lynette A. Roff, USA. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 9/9/11. TEXT ONLY ENTRY – NO DOCUMENT  |

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|            |           | ATTACHED(msksec, ) (Entered: 09/09/2011)  |
| 09/09/2011 | <u>85</u> | ORDER granting <u>83</u> Motion to Withdraw as Attorney of Record. Attorney Jamie L. Mendelson terminated, by Magistrate Judge Craig B. Shaffer on 09/09/2011.(wjc, ) (Entered: 09/09/2011)   |
| 09/26/2011 | <u>86</u> | RESPONSE to <u>81</u> MOTION for New Trial filed by Defendants Lynette A. Roff, Eric Ken Shinseki. (Pestal, Mark) (Entered: 09/26/2011)   |
| 10/04/2011 | <u>87</u> | MINUTE ENTRY for proceedings held before Magistrate Judge Craig B. Shaffer: Evidentiary Hearing held on 10/4/2011. Status Report due by 11/4/2011. Plaintiff's response to Status Report due by 11/10/2011. Status Conference set for 11/16/2011 01:30 PM in Courtroom A 402 before Magistrate Judge Craig B. Shaffer. (FTR: Robin Mason and Emily Seamon) (cbscd) (Entered: 10/05/2011)  |
| 10/05/2011 | <u>88</u> | Ex Parte Emergency MOTION Pursuant to 42 U.S.C. 1983 and a Federal Freedom of Information Requesting Pending Hearing, by Plaintiff David Jackson. (wjc, ) (Entered: 10/06/2011)   |
| 10/28/2011 | <u>89</u> | TRANSCRIPT of Evidentiary Hearing held on 10/04/2011 before Magistrate Judge Shaffer. Pages: 1-87.<br><b>NOTICE – REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at <a href="http://www.cod.uscourts.gov">www.cod.uscourts.gov</a>.</b><br>Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. Release of Transcript Restriction set for 1/30/2012. (Avery Woods Reporting, ) (Entered: 10/28/2011) |
| 11/04/2011 | <u>90</u> | STATUS REPORT by Defendant United States Department of Veterans Affairs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Pestal, Mark) (Entered: 11/04/2011)  |
| 11/04/2011 | <u>91</u> | MOTION to Redact and Amend <u>89</u> Transcript of the October 4, 2011 Settlement Hearing, by Plaintiff David Jackson. (wjc, ) (Entered: 11/04/2011)  |
| 11/07/2011 | <u>92</u> | MEMORANDUM regarding <u>91</u> MOTION to Redact <u>89</u> Transcript,, filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 11/7/11. Text Only Entry (msksec, ) (Entered: 11/07/2011)  |
| 11/09/2011 | <u>93</u> | MINUTE ORDER re: <u>90</u> Status Report filed by United States Department of Veterans Affairs. The Status Conference set Wednesday November 16, 2011 at 1:30 p.m. will proceed as scheduled. By Magistrate Judge Craig B. Shaffer on 11/09/2011. Text Only Entry (cbslc1) (Entered: 11/09/2011)  |
| 11/10/2011 | <u>94</u> | Emergency MOTION to Judge Marcia S. Krieger for a Court Order Pursuant to Fed. R. Civ. 12(b)(56) and 60(b) Clarifying the August 9, 2011 Order, by Plaintiff David Jackson. (wjc, ) (Entered: 11/14/2011)   |
| 11/10/2011 | <u>95</u> | Attachment 1 and 2 <u>94</u> Emergency MOTION to Judge Marcia S. Krieger for a Court Order Pursuant to Fed. R. Civ. 12(b)(56) and 60(b) Clarifying the August 9, 2011 Order, by Plaintiff David Jackson. (wjc, ) (Entered: 11/14/2011)  |
| 11/15/2011 | <u>96</u> | MINUTE ORDER <i>sua sponte</i> resetting hearing due to a conflict on the court's calendar. ORDERED that the Status Conference has been reset to 11/29/2011 at 10:45 a.m. in Courtroom A 402 before Magistrate Judge Craig B. Shaffer, by Magistrate Judge Craig B. Shaffer on 11/15/11. Text Only Entry (cbssec) (Entered: 11/15/2011)   |
| 11/22/2011 | <u>97</u> | MOTION for Court Order Approving Enclosed Subpoena's [sic] and a Court Order Directed to the United States Marshal to Served [sic] the Subpoena's [sic] Pursuant to 28 U.S.C. 1915 and a Court Order Setting a Date for a Hearing on the Subpoena Based on Plaintiff Being Homeless, Indigent Poor Person and Unable to Effectuate the Needed Processes, by Plaintiff David Jackson. (Attachments: # <u>1</u> Subpoena to Produce Documents)(wjc, ) (Entered: 11/23/2011)   |



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| 11/28/2011 | <u>98</u>  | MEMORANDUM regarding <u>97</u> MOTION for Order to filed by David Jackson. Motions referred to Magistrate Judge Craig B. Shaffer by Judge Marcia S. Krieger on 11/28/11. Text Only Entry (msksec, ) (Entered: 11/28/2011)  |
| 11/29/2011 | <u>99</u>  | MINUTE ENTRY for proceedings held before Magistrate Judge Craig B. Shaffer: Status Conference held on 11/29/2011. Denying <u>91</u> Motion to Redact <u>89</u> Transcript. Denying without prejudice <u>97</u> Motion for Order. (FTR: Emily Seamon) (eseam) (Entered: 11/29/2011)   |
| 11/29/2011 | <u>100</u> | MOTION to Dismiss by Defendant United States Department of Veterans Affairs. (Pestal, Mark) (Entered: 11/29/2011)  |
| 12/09/2011 | <u>101</u> | Plaintiff's MOTION Pursuant to Fed. R. Civ. P. 60(b) Relief from Judge Krieger's August 9, 2010 Order, and Plaintiff's Objection to <u>99</u> Magistrate Shaffer's Order Denying Plaintiff Right to Amendment the Transcript and Denying His Subpoenas pursuant to Fed. R. Civ. P. 72 and 28 U.S.C. 636(B)(1)(A), by Plaintiff David Jackson. (wjc, ) (Entered: 12/12/2011)  |
| 12/12/2011 | <u>102</u> | Plaintiff's MOTION Pursuant to Fed. R. Civ. P. 60(b) Relief from Judge Krieger's August 9, 2010 Order, and Plaintiff's Objection to <u>99</u> Magistrate Shaffer's Order Denying Plaintiff Right to Amendment the Transcript and Denying H is Subpoenas pursuant to Fed. R. Civ. P. 72 and 28 U.S.C. 636(B)(1)(A), by Plaintiff David Jackson. (wjc, ) (Entered: 12/12/2011)   |
| 09/02/2012 | <u>103</u> | OPINION AND ORDER GRANTING MOTION TO DISMISS. Mr. Jackson's Motion for New Trial ( <u># 81</u> ), his "Emergency Motion Pursuant to 42 U.S.C. § 1983" ( <u># 88</u> ); his Mr. Jackson's Emergency Motion for Clarification ( <u># 94</u> ); and his Motion Pursuant to Fed. R. Civ. P. 60(b)(( <u># 101</u> , <u>102</u> ) are DENIED. The Defendants' Motion to Dismiss ( <u># 100</u> ) is GRANTED. Mr. Jackson's Amended Complaint ( <u># 47</u> ) is DISMISSED in is entirety, and the Court DENIES him leave to replead, finding that the claims he appears to intend to assert are moot. The Clerk of the Court is directed to close this case, by Judge Marcia S. Krieger on 09/02/2012.(wjcs, ) (Entered: 09/05/2012) |